

1 IN THE UNITED STATES DISTRICT COURT FOR

2 THE MIDDLE DISTRICT OF ALABAMA

3 EASTERN DIVISION

4  
5 R.A., JR., a minor child, by and

6 through his Father and next friend,

7 RICHARD LEMMEL ARNOLD,

8 Plaintiff,

9 Vs.

CIVIL ACTION NO.

10 CV-3:06-cv-337-WHA

11 DEPUTY SHERIFF WALTER LACEY,

12 in his official and individual

13 capacity,

14 Defendant.

15  
16 DEPOSITION OF RAYMOND SWANSON, taken

17 pursuant to notice on behalf of the Defendant, in the

18 conference room of Gray, Langford, Sapp, McGowan,

19 Gray & Nathanson, 108 Eastside Street, Tuskegee,

20 Alabama, before Ricky L. Tyler, Certified Court

21 Reporter and Notary Public in and for the State of

22 Alabama at Large, on Tuesday, March 13th, 2007,

23 commencing at 9:50 A.M.

1 Q. What kind of gun was it?

2 A. I ain't no expert on no gun. I'm not no  
3 expert, so I know it was chrome. It could have  
4 been real, it could have been fake, but he  
5 pulled a gun.

6 Q. Where did he pull the gun from?

7 A. Out of his pocket or the side of his waist or  
8 somewhere.

9 Q. Who did he point the gun at?

10 A. He did not point the gun. He showed the gun.  
11 He pulled it.

12 Q. Pulled it out?

13 A. Yeah, pulled it.

14 Q. Did he point it at the ground?

15 A. Yeah, it was pointing at the ground. It was  
16 pointing at that point because he had it on the  
17 side of him and then waved it up and then he  
18 put it back on the side of him.

19 Q. What do you mean he waved it up?

20 A. I guess he showed us he had one.

21 Q. Shoulder height?

22 A. Yeah, you know how you wave something.

23 MS. RICHARDSON: For the record, he's

1                   lifting his arm to the side of his  
2                   body.

3       Q.       And I believe to --

4       A.       The Sheriff's car was right here.

5       Q.       Wait, sir. If you will, show us again so we  
6               can identify for the record?

7       A.       He waved the gun up. He waved it to let us  
8               know. It was like he started pointing it at  
9               him, he waved it up.

10      Q.       Waved it above his head?

11      A.       It was at his shoulder.

12               MS. RICHARDSON: At his shoulder.

13      Q.       At his shoulder?

14      A.       Showing us. He did it quick and we seen it.  
15               It was like it was a revolver, but I don't know  
16               what size or what kind. And he let it down.  
17               Then when Ronald got in his face and he asked  
18               Ronald "Was you crazy?" Ronald said "Yeah."

19      Q.       Ronald Ligon said he was crazy?

20      A.       Quardarius asked Ronald was he crazy. And  
21               Ronald said, "Yeah, I'm crazy."

22      Q.       Ronald said "I'm crazy"?

23      A.       Yeah. It was just an expression talking junk

1 back.

2 Q. Okay. They were talking junk back and forth?

3 A. Yeah. Ronald was in his face. And then when  
4 Quardarius seen me run to the Sheriff's car, I  
5 guess he threw the gun behind the trash cans.

6 Q. Okay. And when you went to the Sheriff's car,  
7 where was Deputy Lacey?

8 A. He was on the driver's side of the car directly  
9 -- he was just standing outside on the other  
10 side of his car. The door was open and he was  
11 just standing on -- Deputy Lacey? I don't know  
12 where Deputy Lacey was. I don't know where  
13 Deputy Lacey was. I thought you was talking  
14 about this Sheriff.

15 Q. Okay. Who was the Sheriff that was at the car?

16 A. I don't know his name.

17 Q. Have you ever spoken to him before?

18 A. Huh-uh. (Negative response.) I ain't never  
19 seen him before.

20 Q. Okay. And what happened when you -- did you go  
21 all the way to the car?

22 A. Yeah.

23 Q. All right. If you will, put "car" so we know

1 where it was?

2 A. (Witness complies.) Because then it was like  
3 his car was onto the curve that's going around,  
4 the curve.

5 Q. Okay.

6 A. And when I ran, I ran and told him, they  
7 started walking, they got a little closer then.  
8 I told them the boy with -- I said, "The boy  
9 has got a gun." He said "Who?" I said, "The  
10 boy with the orange shirt." He said "Which  
11 one?" I said, "That one right there, the  
12 little short one." And by the time I said  
13 that, I guess Quardarius seen me run to the car  
14 telling him he's got a gun, I guess Quardarius  
15 threw the gun down, and that was when him and  
16 Ronald got to fighting.

17 Q. Okay. Now, when did you get into the fight?

18 A. When we came --

19 Q. After you told the Deputy Sheriff?

20 A. When I told him which one it was, they  
21 started --

22 MS. RICHARDSON: Him being the Deputy  
23 Sheriff?